

NEW BEDFORD

17.7

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DISTRIBUTION

164 § 75

a building made without notice to the inspector, it was error to permit the inspector to testify that it was not his practice with reference to mere extensions to require an application or written permit before the current was turned on, but to make such requirement only where there was a new installation, and in a majority of the cases where the work was exposed he did not go and examine the premises. *Brunelle v. Lowell Electric Light Corp.* (1907) 30 N.E. 464, 194 Mass. 407.

3. Presumptions and burden of proof
In administratrix's action for death of adopted son by electric shock from broken wire, burden was on plaintiff affirmatively to show due care of the boy in order to recover; presumption created by St.1914, c. 553, not applying where cause of action occurred before statute went into effect. *Boutlier v. City of Malden* (1917) 118 N.E. 251, 226 Mass. 479, Ann.Cas.1918C, 91a.

§ 75. Regulation by municipal authorities

The aldermen or selectmen may regulate, restrict and control all acts and doings of a corporation subject to this chapter which may in any manner affect the health, safety, convenience or property of the inhabitants of their towns.

Historical Note

St.1855, c. 146, § 3.
G.S.1860, c. 61, § 17.
St.1870, c. 224, § 57.
P.S.1882, c. 106, § 77.

St.1887, c. 385, § 6.
R.L.1902, c. 110, § 78; c.
121, § 19.

St.1914, c. 742, §§ 132, 199.

Cross References

Massachusetts wholesale electric company, applicability of this section, see c. 164 App. § 1-19.
Municipal electric departments, applicability of this section with respect to electric power facilities, see c. 164A, § 9(b)(1), (v).

Law Review Commentaries

Liability of electric company to person as trespasser against landowner.
(1965) 31 ATLA L.J. 115.

Notes of Decisions

In general 1
Review 5
Taxation 4
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1. In general

Fact that St.1914, c. 742, establishing general scheme for regulating the distribution and sale of electricity and gas did not expressly repeal St.1908, c. 360, under which the town of Reading was authorized to sell and distribute electric-

ity in the town of North Reading did not mean that Reading's legal obligations with respect to the sale and distribution of electricity to North Reading were to be determined completely apart from the provisions of the general statutory scheme. *Tax Collector of North Reading v. Town of Reading* (1974) 319 N.E.2d 387, — Mass. —.

Town selectmen, in discharging quasi-judicial function under electric company's petition to construct electric transmission line across public way, can deny construction permission unless such ac-

